

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GAREY E. SEGER and TWILA SEGER,)	
)	
Plaintiffs,)	8:08CV75
)	
vs.)	
)	
ERNEST-SPENCER METALS, INC., TANK CONNECTION, LLC, ROUNDTABLE ENGINEERING SOLUTIONS, LLC, KIRK WELDING SUPPLY, INC., and BURNS & MCDONNELL ENGINEERING COMPANY, INC.,)	ORDER
)	
Defendants,)	
)	
and)	
)	
LIBERTY MUTUAL INSURANCE,)	
)	
Intervenor-Defendant.)	

This matter is before the court on non-party Valmont Industries, Inc.'s Motion (Filing No. 240) for Leave to withdraw previously filed Exhibit "D" Valmont's Index of Evidence in Opposition to Burns & McDonnell's Motion to Compel Documents and Deposition Answers (Filing No. 239) and for leave to file Substituted Exhibit "D" in support thereof.

IT IS ORDERED:

Valmont's Motion (Filing No. 240) for Leave to Withdraw Previously Filed Exhibit "D" in Filing No. 239 and leave to file Substituted Exhibit "D" is granted. The Court shall consider the Substituted Exhibit submitted and served by Valmont with its Motion for Leave to file the Substituted Exhibit as if filed originally with Filing No. 239.

DATED this 28th day of October, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge